

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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ANTHONY ZAPPIN,

Plaintiff,

18 **CIVIL** 1693 (ALC)(OTW)

-against-

JUDGMENT

CLAIRE COMFORT ET AL.,

Defendants.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated September 30, 2022, the Court has adopted the R&R's recommendations that, in the alternative, the TAC is dismissed for failure to state a claim and pursuant to the doctrine of collateral estoppel. However, the Court does not address these recommendations further as the Court has already adopted the recommendation that this action be dismissed for lack of subject jurisdiction. The Court has adopted the R&R's recommendation that the Court issue a pre-filing injunction. Plaintiff's objection did not address the R&R's analysis of the factors pursuant to *Safir v. U.S. Lines, Inc.*, 792 F.2d 19, 24 (2d Cir. 1986) to consider in determining whether to issue an injunction based on a litigant's behavior. Instead, Plaintiff argues in a conclusory fashion that the imposition of a pre-filing injunction would be unconstitutional. Such an objection is reviewed for clear error, and the Court found no clear error with Magistrate Judge Wang's recommendation. *Chen*, 8 F. Supp. 3d at 416. Thus, the action is dismissed for lack of subject matter jurisdiction, and in the alternative, for failure to state a claim under Rule 12(b)(6). The Court also issues a pre-filing injunction preventing Plaintiff from filing further actions flowing from the Custody Action and the Disciplinary and Fee Proceedings,

including any actions collaterally attacking the Decisions rendered in those Proceedings, without prior court approval; accordingly, the case is closed.

Dated: New York, New York
September 30, 2022

RUBY J. KRAJICK

BY:

Clerk of Court
K. Mango

Deputy Clerk